

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DOCUMENT
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YULY ARONSON,

Plaintiff,

07 Civ. 9405 (CM)

-against-

ANTHONY BRANCA,

Defendant.

x

DECISION AND ORDER TRANSFERRING CASE

McMahon, J.:

This matter was assigned to Judge McMahon on October 19, 2007. On November 9, 2007, plaintiff came to court with an order to show cause seeking an order restraining certain of defendant's assets. Since this Court was out of the district on Friday, November 9, 2007, Judge Robert W. Sweet, the sitting Part I Judge, handled the request. Judge Sweet signed the order to show cause with a temporary restraining order (TRO), making it returnable November 15, 2007.

On November 15, 2007, only plaintiff appeared for the hearing. Prior to the hearing, defendant faxed two letters to chambers stating that he would not be appearing because (1) he was not properly served, (2) he had not retain counsel and (3) he had to take his wife to the doctor. Defendant also called chambers, essentially repeating what he stated in his letters. Defendant was told to appear at the November 15, 2007 hearing, with or without an attorney. Defendant failed to appear. However, he submitted a letter consenting to the extension of the TRO.

At the hearing plaintiff proved that he properly served defendant with the order to show cause per the order of Judge Sweet. (See transcript on file).

After reviewing the filings, it became apparent that this case should have been filed in the White Plains Courthouse.

The TRO is extended to November 28, 2007, on consent. The Clerk of the Court is directed to immediately assign this case to a judge sitting in the White Plains Courthouse. The new judge will notify the parties when to appear for a hearing on the application for a preliminary injunction.

This constitutes the decision and order of the Court.

November 16, 2007

U.S.D.J.

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